

the trajectory of harm, potentially dramatically. One example is the tipping point where warming will cause the Greenland ice sheet to collapse and melt. We don't know exactly where that threshold lies. That is one of the dangers of our climate experiment. But science suggests it is between 1.5 and 2 degrees Celsius of warming.

Well, folks, we have already warmed 1.1 degrees. So the distance to 1.5 or 2 degrees is pretty short.

If we lose the Greenland ice sheet, it is 22 feet of sea level rise. So we would do well to avoid these tipping points, to avoid the systemic economic risks, to behave prudently and responsibly, and to take advantage of a stronger and more stable clean energy economy that beckons. It is long past time to wake up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

LIEUTENANT RIDGE ALKONIS

Mr. LEE. Mr. President, on February 2, I called on Japanese Prime Minister Kishida to transfer U.S. Navy Lt. Ridge Alkonis back to U.S. custody no later than midnight on February 28. I was explicit that a very public discussion about the U.S.-Japan relationship—and, in particular, the U.S.-Japan Status of Forces Agreement—would ensue if Lieutenant Alkonis were not back in U.S. custody by that date.

It is now March 1, 2023, and it is about 6:20 p.m. And Ridge Alkonis is not only not back in U.S. custody, he is not only not on U.S. soil, he is still languishing in a Japanese prison.

So let's have a frank discussion about our Status of Forces Agreement with Japan because we have waited long enough. Ridge Alkonis has waited long enough. And his wife Brittney Alkonis has waited long enough. Their children have waited long enough, all three of them. We are done waiting.

The Japanese Government has unjustly incarcerated Lieutenant Alkonis for too long. I traveled to Tokyo in August to meet with Japanese Foreign Minister Hayashi, where he made an unequivocal commitment to expedite the Council of Europe prisoner transfer once the U.S. paperwork was completed. And it was understood at the time that that would be in a matter of days or weeks, not months or years.

Lieutenant Alkonis felt comfortable signing off on the transfer paperwork because of Foreign Minister Hayashi's commitment. With this understanding, the U.S. Department of Justice completed the necessary paperwork in less than 2 weeks. Japan has been sitting on that request ever since then, for months and months and months.

However, the Japanese Government tried to renege on its promise by having a junior member of the Japanese Embassy staff in Washington reach out to a member of my staff to deny that Foreign Minister Hayashi had ever made such a commitment. Allow me, not a member of my staff, to correct the record. Foreign Minister Hayashi,

you did make that commitment to me. I have not forgotten it, and I know you haven't either.

This isn't too much to ask of any country, let alone one on which we spend billions of dollars—billions of dollars—a year to defend. A Council of Europe transfer is not an extraordinary request. On the contrary, these kinds of requests are routine. Situations like this one are the very reason why we have a prisoner of transfer process in the first place. The stated purpose for the Council of Europe Treaty is to facilitate the rehabilitation of the transferred offenders and to relieve some of the administration and diplomatic issues that arise with the incarceration of foreign nationals.

Now, look, to be very clear, we are not even asking for Ridge to be released from custody, for him to just be told that his sentence is no longer intact. We are simply asking that he be transferred to U.S. custody to serve out the remainder of his sentence.

These transfers happen all the time. It makes little sense that we would allow those tasked with defending the Constitution and its enshrined principles to be treated so poorly by an allied nation, to be subjected to laws so draconian that they are unrecognizable to the principles of justice our servicemembers swear to defend.

When we swear to defend the Constitution of the United States, it represents an enduring commitment to individual liberty—a spirit that says no matter who we are or where we came from or what religion, if any, we practice, we enjoy liberty that is self-evident because it is God-given.

Our Armed Forces stand ready to protect not only the safety and sovereignty of the United States but the safety and sovereignty of our friends, like Japan, which enjoyed over \$20 billion in U.S. military aid over the last 5 years. And yet, they can't keep their promise to facilitate a routine prisoner transfer? I cannot and will not accept that—not now, not ever.

I don't think the American people can accept that either. In fact, I know they can't, nor should they. I don't think they would be OK knowing that we spend billions of dollars to defend a country when our Status of Forces Agreement with that country is so unfavorable to our troops. I don't think they would be OK sending 55,000 of their sons and daughters to support an allied country where they won't have the most basic legal right.

I am certainly not. Japan isn't either.

To illustrate, under the terms of the Japan-Djibouti Status of Forces Agreement—Djibouti, by the way, is the only country in which Japan has a foreign base—Japanese servicemembers are immune from criminal prosecution. They are completely immune. Why should Japan be allowed to treat U.S. forces any less favorably than Japanese forces are treated by Djibouti?

Look, I want to be very clear here. Japan has a good thing going. It

doesn't get much better than the deal they have got going. I don't know why they would want to jeopardize that.

But patience in Washington has grown thin. And the Japanese Government has vastly underestimated the intensity of bipartisan support for Lieutenant Alkonis in Congress at every level of government, including a commitment from President Biden—a recent commitment from President Biden himself—to Brittney Alkonis, saying: "I promise you, we're not giving up, OK?"

President Biden is right. He said that with good reason. And he said that not only as President of the United States but also as a red-blooded American who cares about this country—himself a father of a decorated, respected U.S. military officer. We are not giving up. This isn't going away. We are not just going to keep quiet. And the longer Ridge remains in Japanese custody, the louder we will get.

If the Japanese Government can't respect our servicemembers, and we can't trust them to uphold their commitments, then we are long overdue for a renegotiation of the Status of Forces Agreement between our two nations. We must do so to protect our servicemembers, especially if they are stationed in a country with a justice system as draconian as Japan's.

In Japanese criminal justice, interrogation is the primary means police and prosecutors use to obtain confessions. These are no ordinary interrogations—not by our standards, not by a long shot. In a typical criminal case, the average Japanese interrogation lasts more than 20 hours. In bribery interrogations, they average 130 hours.

The night that Lieutenant Alkonis was involved in that tragic accident, rather than being taken to a hospital, he was placed in solitary confinement for 26 days. During that time, he was denied access to legal counsel, denied access to an adequate translator, denied proper medical care—despite the fact he had just been in a serious accident—and was subjected to intense interrogation tactics at all hours of the night. He was subjected to bright lights, causing sleep deprivation, and coerced into signing complex legal documents written in Japanese, with no interpreter available, just to have a chance at getting bail.

It was later discovered that Japanese authorities manipulated Lieutenant Alkonis's forced statement. It is not uncommon in Japan where 26 percent of prosecutors there have admitted in an anonymous survey to falsifying suspects' statements. He was told not to contest the falsified documents as the Japanese court would perceive this as a lack of remorse. Given the unfair treatment of one of our best and brightest, we as a Congress should take every precaution to ensure that our servicemembers are never ever treated this way again.

I am not exaggerating. The U.N. Human Rights Council and other legal

and human rights organizations have long criticized Japan's justice system for unnecessarily long pre-indictment detention periods, denial of lawyers during interrogations, and questionable interrogation tactics, to put it mildly. Often, these practices lead to false confessions and have resulted in Japan's legal system being known as "hostage justice"—appropriately so.

Don't believe me? The criminal conviction rate in Japan is 99 percent.

We have status of forces agreements to establish frameworks under which U.S. military personnel operate in foreign countries and how domestic laws of foreign jurisdictions apply to U.S. military personnel in those countries. At a minimum, any agreement between the United States and a foreign country should provide adequate legal protections for American servicemembers. This means access to legal counsel, and it means access to a competent interpreter, and it means access to medical treatment throughout the legal process. These are basic rights afforded in modern and fair justice systems, but not in Japan.

It is not too much to ask for a renegotiation of our SOFA with Japan. Many similar concerns once existed in the Republic of Korea. However, we successfully implemented those needed improvements to the U.S.-Korea SOFA to include a U.S. Government representative to be present during any interview or interrogation; a lawyer to be present at any time at the request if a servicemember so requires it, or a dependent, including during the interviews and interrogations, as well as, of course, a competent interpreter. We need these same changes to be made in the U.S.-Japan SOFA.

Look, I am sure—in fact, I am certain—there are many who wish I weren't giving this speech. I have been told that it just isn't worth risking the relationship we have with the strategic partner over a single American. They are wrong. The Latin term "Unus pro omnibus, omnes pro uno" means "one for all, all for one." The concept is depicted multiple times in the Bible. It can be found in the works of Shakespeare and was made popular by Alexander Dumas in his 1844 novel "The Three Musketeers."

Our military personnel and their families sacrifice their blood, sweat, and treasure so that all of us might enjoy the blessings of liberty that generations of Americans fought and died to protect. They truly embody "all for one and one for all." But what does it say about us if we are collectively unwilling to stand up for the rights of the one? We cannot expect people to stand up for their country if their country does not stand up for them.

The PRESIDING OFFICER. The Senator from Ohio.

#### RAIL SAFETY ACT OF 2023

Mr. BROWN. Mr. President, it shouldn't take a train derailment for elected officials to put partisanship aside and work together for the people

whom we serve—not work for corporations like Norfolk Southern.

That is why, this morning, I introduced bipartisan legislation with Senator VANCE, my new Republican colleague, who has been here only about 2 months, and our colleagues Senator RUBIO, Republican from Florida; Senator CASEY, a longtime friend and Democrat from Pennsylvania; Senator FETTERMAN, also a freshman who has been here a couple of months, from Pennsylvania; and Senator HAWLEY from Missouri, to make trains safer as they go through places like East Palestine, OH.

Railroad company lobbyists spent years fighting every effort that we could make to make our trains and our rail lines safer. Now Ohioans have seen it, and Georgia has seen it, and the Presiding Officer, the senior Senator from Georgia, has seen it in his State. Ohioans have seen these rail crashes, these derailments, just in the last 4 months. The one in East Palestine is the best known because the damage was the greatest. But there was also one in Sandusky, on Lake Erie, the greatest body of fresh water in the world, in the Great Lakes; and also in Steubenville, on the Ohio River. Those are the two greatest natural resources that our State has, the Ohio River and Lake Erie. It affects drinking water and all kinds of things—recreation for so many people. We have seen that all three of these communities are paying a price.

Over the past month, I have been in East Palestine multiple times, talking with residents, the mayor, the fire chief, business owners, parents. I have heard their fears for what this means for their town, for their futures.

I met with Melissa Smith, who runs a company, a candle-making company. I learned something from her and from my wife—that the best candles now are made from soy, not wax. They smell better and burn cleaner. Thank you for acknowledging that. Perhaps, it is better for the environment. But she owns this candle company that she and her daughter run.

She and her husband, about 4 miles away, have a small farm. They have 25 beef cattle. I think she said 25. She has regular customers. This isn't some huge stockyard. She has regular customers, and these customers, whom she sells to every year, buy a side of beef or a full beef and she tells me she is getting calls from these customers saying: I don't know if I am going to buy this year. Is your beef safe?

She can't promise that, and they don't know.

We agree we need to do everything in our power to make sure an accident like this never happens again and make sure these residents—the 4,500 residents of East Palestine and the township, Unity Township, around it; and east of Unity Township, the township east is in western PA, Darlington Township—to make sure people's lives return to normal.

Our bill would do a few key things. It includes new safety requirements for trains that carry hazardous materials. Governor DeWine, who served in the Senate before he was Governor, is particularly upset that these trains—these tanker train cars—can come in that are carrying hazardous material and not tell the State or local governments or, more importantly, not tell firefighters and people who are not trained to fight hazmat kinds of fires.

The bill would also mean new rules to prevent wheel bearing failures like we saw in this crash. We know wheel bearing failures are the No. 1 mechanical cause of derailments.

It would require two-person crews on every train.

Think about this. This train was more than 150-cars long, more than a mile. It has one locomotive at the front, then a locomotive about two-thirds of the way or halfway back to help pull the train. There were only two employees. There were three this time: two employees and a trainee. But the railroads want there to only be one human being riding these trains—one human being on a train a mile long, 150 cars.

We require a minimum two-person work crew on every train. It is a good first step toward making train and rail lines safer and protecting rail workers.

It means real accountability when accidents happen.

It raises the fines that, right now, are so low that they don't even make a dent in the profits of these big companies; it is just the cost of doing business.

We have seen what happens: dangerous derailments over and over. There were three in Ohio just in the last few months.

As Norfolk Southern's profits have gone up, accidents have gone up. That is not exactly shocking. They don't care about these communities and the damage they do, as long as they still bring in enough to do billions in stock buybacks to reward their executives. Last year, they did \$3 billion in stock buybacks. This year, they were planning to do several billion more. They backed off after the train derailment, of course.

In the last 10 years, Norfolk Southern laid off one-third of their workforce. You know what that means? It means track inspections by Norfolk Southern employees are more cursory, not as thorough, not as safe, not done as well. They can't be because these workers are so harried and have so much work to do.

The rail companies cut costs by cutting corners and, as I said, cutting workers, leaving crews overworked and unsafe. It happens quarter after quarter.

They report every quarter back to their Wall Street analysts all the ways they have cut costs, cut costs, cut costs. Communities like East Palestine be damned. These are the places that are so often exploited by corporate America.

When I talk about the dignity of work, I understand that my job is to fight for those workers and fight to make sure this never happens again. I will work with anyone to do this.

I am thrilled that Senator VANCE, my freshman colleague in his second month in the Senate, a Republican—we don't agree on the big issues, but we have listened to the same people and sure as heck agree that we need to do this.

I will work to get these reforms passed that hold Norfolk Southern accountable to make sure they pay for every cent of the cleanup.

As I said, Senator VANCE and I come from different parties, but we come together for the people in our State, as I did with Senator Portman. Again, we have major differences on the big issues, but we are working together for Ohio. We pressed Federal officials to take legal action. We pressed for monitoring of potential long-term health effects.

That is how you get things done. You listen to the people whom you serve and you find common ground with the elected officials, who should be your partners, regardless of party.

As I said, it is what we did with Senator Portman again and again. We found agreement wherever we could and got things accomplished.

Right after Senator Portman left office—he was maybe out of office for 2 days in January—he and I and Senator MCCONNELL, who sits at this chair and is the Republican leader, with Governor DeWine, a Republican, and the Governor of Kentucky, a Democrat, and the President of the United States stood at the Brent Spence Bridge, a project we have been working on for 10 years. Three percent of GDP crosses over that bridge, connecting Senator MCCONNELL's State and Cincinnati in my State.

Senator Portman and I worked together to come up with the strongest "Buy American" laws ever; to strengthen our trade enforcement laws to protect Ohio workers and Ohio businesses, like Whirlpool; expanding access for opioid addiction; the PACT Act, taking care of veterans exposed to those football field-sized burn pits and, maybe 2, 3, 5, 10 years later, develop a cancer or bronchial illness. They need treatment and they show up at the VA, and because of the PACT Act that Senator TESTER, my colleague and the principal writer, and I, who also helped write—which is named after an Ohioan—the PACT Act will save lives.

I am hopeful that we continue that bipartisan Ohio tradition with Senator VANCE, starting with these common-sense reforms to prevent other Ohio communities from facing another disaster.

As I told the residents of East Palestine, I am here for the long haul. The last time I was there, I said to the mayor: I am going to keep calling you on the phone. I am going to keep calling the fire chief. I am going to keep

calling Melissa Smith, who owns that candle company. I am going to show up. I am not going away until this is fixed, until people's lives are back to normal, and until Norfolk Southern is held accountable. When people who don't live in Ohio pack up in a week or two, we are still going to be there for months, for the next year—for the next 10 years, if that is what it takes to make this right.

I hope my colleagues of both parties will show that same commitment that Senator VANCE is saying and Senator RUBIO and Senator CASEY and Senator FETTERMAN and Senator HAWLEY. Join us to get something real done for the people whom we serve.

The PRESIDING OFFICER. The Senator from Ohio.

## LEGISLATIVE SESSION

### MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

### CONFIRMATION OF ARACELI MARTINEZ-OLGUIN

Mr. DURBIN. Madam President, this week, the Senate confirmed Araceli Martinez-Olguin to the U.S. District Court for the Northern District of California.

A first-generation American, Ms. Martinez-Olguin graduated from Princeton University and the University of California, Berkeley School of Law, before clerking for Judge David Briones on the U.S. District Court for the Western District of Texas. From there, she embarked on a legal career defined by her commitment to protecting the rights of immigrants, workers, students, and women—from the ACLU Women's Rights Project to Legal Aid at Work, to the Department of Education's Office of Civil Rights, and the National Immigration Law Center. In addition to her experience assisting with legal briefs for cases being considered by the Supreme Court, Ms. Martinez-Olguin has focused on dozens of immigration and employment matters, many of which implicated complex statutory schemes.

The American Bar Association rated Ms. Martinez-Olguin as "qualified," and her nomination was strongly supported by her home State Senators, Mrs. FEINSTEIN and Mr. PADILLA.

With a career-long commitment to defending equal justice for all, and a professional background that is historically underrepresented on the bench, Ms. Martinez-Olguin will serve the Northern District of California with distinction. I was proud to support her nomination.

### CONFIRMATION OF JAMAL N. WHITEHEAD

Mr. DURBIN. Madam President, yesterday, the Senate voted to confirm Jamal Whitehead to the U.S. District Court for the Western District of Washington.

Mr. Whitehead's significant trial experience in both government and private practice and his commitment to equal justice under law make him an outstanding nominee to the district court. After graduating from the University of Washington and the Seattle University School of Law, he joined the U.S. Equal Employment Opportunity Commission's—EEOC—Seattle field office as a trial attorney. While at the EEOC, Mr. Whitehead was responsible for enforcing Federal employment discrimination laws, including title VII of the Civil Rights Act and the Americans with Disabilities Act.

Mr. Whitehead then served as an Assistant U.S. Attorney in the civil division of the U.S. Attorney's Office for the Western District of Washington, where he handled both employment and tort matters. He returned to private practice in 2016 and has continued to focus on civil rights, including representing individuals who have brought claims against their employers for harassment, discrimination, or retaliation.

Mr. Whitehead is President Biden's first judicial nominee living with a known physical disability, and he will be one of few Federal judges who understands this experience. He will bring a valuable perspective to the district court bench. In addition, the American Bar Association unanimously rated Mr. Whitehead "well qualified," and he has the strong support of his home-state Senators, Mrs. MURRAY and Ms. CANTWELL.

I supported his nomination and was glad to see him confirmed.

### ARMS SALES NOTIFICATION

Mr. MENENDEZ. Madam President, section 36(b) of the Arms Export Control Act requires that Congress receive prior notification of certain proposed arms sales as defined by that statute. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Senate Foreign Relations Committee.

In keeping with the committee's intention to see that relevant information is available to the full Senate, I ask unanimous consent to have printed in the RECORD the notifications which have been received. If the cover letter references a classified annex, then such annex is available to all Senators in the office of the Foreign Relations Committee, room SD-423.

There being no objection, the material was ordered to be printed in the RECORD, as follows: